

ESTTA Tracking number: **ESTTA332492**

Filing date: **02/17/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	MEDRAD, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	One Medrad Drive Indianola, PA 15051 UNITED STATES		

Attorney information	David Schramm MEDRAD, Inc. One Medrad Drive Indianola, PA 15051 UNITED STATES dschramm@medrad.com, slloyd@medrad.com Phone:4127672400
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### Applicant Information

Application No	77692548	Publication date	01/19/2010
Opposition Filing Date	02/17/2010	Opposition Period Ends	02/18/2010
Applicant	MedRed, LLC 2600 Virginia Avenue NW, Suite 709 Washington, DC 20037 UNITED STATES		

### Goods/Services Affected by Opposition

Class 042. First Use: 2004/09/15 First Use In Commerce: 2004/10/17 All goods and services in the class are opposed, namely: Non-downloadable software that provides health information to patients and healthcare providers
Class 044. First Use: 2004/09/15 First Use In Commerce: 2004/10/17 All goods and services in the class are opposed, namely: providing health information to patients and healthcare providers at the point of care wherever medicine is practiced


### Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

### Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	1021990	Application Date	02/11/1975
Registration Date	10/07/1975	Foreign Priority Date	NONE
Word Mark	MEDRAD		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 1966/00/00 First Use In Commerce: 1966/00/00 ANGIOGRAPHIC INJECTORS AND ACCESSORIES FOR USE THEREWITH- NAMELY, CATHETERS, SYRINGES [ AND GUIDE WIRES ]


U.S. Registration No.	2282689	Application Date	12/23/1997
Registration Date	10/05/1999	Foreign Priority Date	NONE
Word Mark	MEDRAD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1966/00/00 First Use In Commerce: 1966/00/00 contrast delivery systems comprised of medical injectors and syringes for use therewith for delivering contrast media to patients during angiographic, computed tomography and magnetic resonance imaging procedures; and anatomically conformable surface coils, automatic tuning devices and anatomical positioning devices for use with magnetic resonance imaging apparatuses		

U.S. Registration No.	2285134	Application Date	07/23/1998
Registration Date	10/12/1999	Foreign Priority Date	NONE
Word Mark	MEDRAD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 037. First use: First Use: 1970/00/00 First Use In Commerce: 1970/00/00 MAINTENANCE, REPAIR AND ADJUSTMENT OF VASCULAR INJECTION SYSTEMS AND SURFACE COILS FOR USE WITH MAGNETIC RESONANCE		

	IMAGING SYSTEMS Class 042. First use: First Use: 1970/00/00 First Use In Commerce: 1970/00/00 CALIBRATION OF VASCULAR INJECTION SYSTEMS AND SURFACE COILS FOR USE WITH MAGNETIC RESONANCE IMAGING SYSTEMS		
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U.S. Registration No.	2375747	Application Date	12/23/1997
Registration Date	08/08/2000	Foreign Priority Date	NONE
Word Mark	MEDRAD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1998/12/00 First Use In Commerce: 1998/12/00 contrast delivery systems comprised of medical injectors and syringes for use therewith for delivering contrast media to patients for ultrasound imaging procedures		

U.S. Registration No.	2604867	Application Date	05/05/2000
Registration Date	08/06/2002	Foreign Priority Date	NONE
Word Mark	MEDRAD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2000/11/20 First Use In Commerce: 2000/11/20 SOUND SYSTEMS COMPRISED OF A CD PLAYER, CASSETTE DECK, AM/ FM TUNER AND SPEAKERS FOR USE THEREWITH Class 010. First use: First Use: 2000/11/20 First Use In Commerce: 2000/11/20 PATIENT MONITORING DEVICES, NAMELY MONITORS FOR MONITORING ECG SIGNALS, BLOOD OXYGEN LEVEL, PULSE RATE, RESPIRATION RATE, TEMPERATURE, BLOOD PRESSURE AND ANESTHESIA AGENT LEVELS OF PATIENTS, ALL FOR USE WITH MAGNETIC RESONANCE		

	IMAGING APPARATUS		
U.S. Registration No.	2251950	Application Date	09/26/1997
Registration Date	06/08/1999	Foreign Priority Date	NONE
Word Mark	MEDRAD VISTRON CT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1998/06/00 First Use In Commerce: 1998/06/00 medical injectors for delivering contrast media to patients for imaging procedures		
U.S. Registration No.	3303435	Application Date	07/09/2004
Registration Date	10/02/2007	Foreign Priority Date	NONE
Word Mark	MEDRAD AVANTA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2006/05/31 First Use In Commerce: 2006/05/31 MEDICAL INJECTOR FOR INJECTING CONTRAST MEDIA AND OTHER MEDICAL FLUIDS INTO PATIENTS, NOT FOR USE WITH FLUOROSCOPY PROCEDURES		
U.S. Application No.	77530237	Application Date	07/24/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MEDRAD INTERVENTIONAL		

Design Mark	<b>MEDRAD INTERVENTIONAL</b>
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 2008/10/31 First Use In Commerce: 2008/10/31 MEDICAL DEVICES FOR USE IN DIAGNOSTIC, THERAPEUTIC OR INTERVENTIONAL CARDIOVASCULAR AND ENDOVASCULAR PROCEDURES, NAMELY, BALLOON CATHETERS FOR ENDOVASCULAR THERAPIES, THROMBECTOMY AND ATHERECTOMY CATHETERS, VASCULAR OCCLUSION AND EMBOLIC PROTECTION DEVICES IN THE NATURE OF CATHETERS, PERCUTANEOUS GUIDEWIRES AND GUIDE CATHETERS, WOUND MANAGEMENT PRODUCTS, AND MEDICAL FLUID DELIVERY SYSTEMS, NAMELY, INJECTORS, CATHETERS, SYRINGES, AND DISPOSABLE FLUID PATH TUBING SETS TO BE CONNECTED TO AND USED WITH INJECTORS, CATHETERS AND SYRINGES

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	MEDRAD		
Goods/Services	INFORMATION EXCHANGE DEVICES		

Attachments	75409997#TMSN.gif ( 1 page )( bytes ) 75523785#TMSN.gif ( 1 page )( bytes ) 75409996#TMSN.gif ( 1 page )( bytes ) 78006976#TMSN.gif ( 1 page )( bytes ) 78448303#TMSN.jpeg ( 1 page )( bytes ) 77530237#TMSN.jpeg ( 1 page )( bytes ) TrademarkOppositionMEDREDfiled02172010.pdf ( 4 pages )(191623 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/DAVID SCHRAMM/
Name	David Schramm
Date	02/17/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE .  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application No. 77/692,548 for the mark MEDRED  
in International Classes 42 and 44,  
Published in the Official Gazette on January 19, 2010.

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MEDRAD, Inc.

Opposition No.: \_\_\_\_\_

Opposer,

v.

MEDRED, LLC

Applicant.  
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Commissioner of Patents and Trademarks Trademark  
Trial and Appeal Board  
P. O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

Opposer, MEDRAD, Inc. ("Opposer"), a Delaware corporation with its place of business at One MEDRAD Drive, Indianola, PA 15051, opposes the registration of Trademark Application Serial No. 77/692,548 for the mark MEDRED for goods in international class 42 for use in connection with non-downloadable software that provides health information to patients and healthcare providers and for goods in international class 44 for use in connection with providing health information to patients and healthcare providers at the point of care wherever medicine is practiced. Opposer believes it will be damaged by the registration of the mark and hereby opposes its registration.

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I hereby certify that this correspondence is being electronically filed with the Commissioner for Patents, Trial and Appeal Board, P.O. Box 1450, Alexandria, VA 22313-1450 on February 17, 2010

  
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Susan M. Lloyd

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the marks MEDRAD<sup>®</sup>, (standard words), United States Registration No. 1,021,990 for angiographic injectors and accessories for use therewith - namely, catheters and syringes; MEDRAD<sup>®</sup>, United States Registration No. 2,282,689 for contrast delivery systems comprised of medical injectors and syringes for use therewith for delivering contrast media to patients during angiographic, computed tomography and magnetic resonance imaging procedures; and anatomically conformable surface coils, automatic tuning devices and anatomical positioning devices for use with magnetic resonance imaging apparatuses; MEDRAD<sup>®</sup>, United States Registration No. 2,285,134 for maintenance, repair and adjustment of vascular injection systems and surface coils for use with magnetic resonance imaging systems and calibration of vascular injection systems and surface coils for use with magnetic resonance imaging systems; MEDRAD<sup>®</sup>, United States Registration No. 2,375,747 for contrast delivery systems comprised of medical injectors and syringes for use therewith for delivering contrast media to patients for ultrasound imaging procedures; MEDRAD<sup>®</sup>, United States Registration No. 2,604,867 for sound systems comprised of a cd player, cassette deck, am/fm tuner and speakers and patient monitoring devices, namely monitors for monitoring ecg signals, blood oxygen level, pulse rate, respiration rate, temperature, blood pressure and anesthesia agent levels of patients, all for use with magnetic resonance imaging apparatus; MEDRAD VISTRON CT<sup>®</sup>, United States Registration No. 2,251,950 for medical injectors for delivering contrast media to patients for imaging procedures; MEDRAD ADVANTA<sup>™</sup>, United States Registration No. 3,303,435 for medical injector for injecting contrast media and other medical fluids into patients; and MEDRAD INTERVENTIONAL<sup>™</sup>, United States Application Serial No. 77/530,237 for medical devices for use in diagnostic, therapeutic or interventional cardiovascular and endovascular procedures, namely, balloon catheters for endovascular therapies, thrombectomy and atherectomy catheters, vascular occlusion and embolic protection devices in the nature of catheters, percutaneous guidewires and guide catheters, wound management products, and medical fluid delivery systems, namely injectors, catheters, syringes, and disposable fluid path tubing sets

to be connected to and used with injectors, catheters and syringes. Moreover, MEDRAD has been used in connection with an information exchange device since at least as early as April 2004. These registrations and uses are prima facie evidence of Opposer's exclusive ownership of and right to use the MEDRAD mark in commerce as provided therein and also demonstrate the fame of the MEDRAD mark.

2. Opposer uses said registered MEDRAD marks on goods, that are collectively referred to as medical devices and maintenance, repair and replacement of medical devices, sold to hospitals or rehabilitation facilities, such as medical centers and other healthcare facilities.

3. Opposer has extensively used and promoted the MEDRAD marks in connection with aforesaid goods since at least 1966. As such, MEDRAD is a famous mark in connection with the aforementioned goods and services.

4. Notwithstanding Opposer's prior rights in and to its MEDRAD mark, Applicant, MedRed, LLC ("Applicant"), has applied to register a MEDRED mark, Serial No. 77/692,548, based on use.

5. Applicant's MEDRED mark is allegedly used in commerce on goods, such as "Non-downloadable software that provides health information to patients and healthcare providers," and "Providing health information to patients and healthcare providers at the point of care wherever medicine is practiced."

6. Opposer will be damaged by the registration of Applicant's MEDRED mark, as aforesaid, in that said mark so resembles Opposer's MEDRAD mark, as to be likely, when applied to the goods of Applicant, to cause confusion, mistake, and deception, with consequent irreparable damage to Opposer's business and goodwill and otherwise will improperly give the appearance of exclusive statutory ownership rights in marks incorporating the MEDRED mark to Applicant in violation of § 2(d) of the Lanham Act, as amended (15 U.S.C. §1052(d)), and derogation of the prior and superior rights of Opposer.



7. Opposer also will be damaged by the registration of Applicant's MEDRED mark in that said mark will dilute Opposer's MEDRAD mark in violation of §43(c) of the Lanham Act (15 U.S.C. §1125(c)).

8. By reason of the foregoing, Opposer believes it will be irreparably damaged by the registration of Applicant's mark.

9. Registration should, therefore, be refused pursuant to (a)§2(d) of the Lanham Act (15 U.S.C. §1052(d)) on the grounds that the application to register MEDRED so resembles Opposer's MEDRAD mark as to cause confusion, mistake, or deception; and also under (b)§43(c) of the Lanham Act (15 U.S.C. §1125(c)) on grounds that said application dilutes the value of Opposer's MEDRAD mark.

WHEREFORE, Opposer requests that this opposition be sustained and that the application by MedRed, Inc. to register the mark MEDRED, Serial No. 77/692,548, be refused.

Dated: 2/17/16

MEDRAD, Inc.



David Schramm

Attorney for Opposer

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